

REMARKS – General

As per our brief phone discussion on May 11th, this reply is formatted as suggested by Clarence at the inventor's help line.

The requested double-spaced copy of the previous 1.5-spaced specification is attached. My apologies for any inconvenience from the previous reduced spacing. The reformatted pages are separately numbered from the rest of this amendment. The specification is otherwise unchanged and includes the claims as originally submitted for reference, since some of them have been reordered.

As directed, this amendment reformats the claims have been re-formatted as single continuous sentences. In the original submission dependent claims had incorrectly been lettered under each independent claim, giving the impression of violating the above rule. The letters have been replaced with numbers, and the claim cross-references have been altered appropriately. Dependent claims have been reordered to retain the original numbering for claim 2 and to maintain sequential numbers. No new claims have been added, despite the increase in numbers.

Applicant submits that claims of a truly autonomous (vs. physically separate) wearable alarm component that utilizes a base station for time setting are allowable over the cited references, and requests reconsideration.

The prior art anticipates a fully autonomous alarm ear piece including its own setting device. It likewise anticipates a setting device which also performs the timing function for a physically separate earpiece. However, it does not anticipate a separate setting device for an earpiece which is autonomous once set, as claimed here.

Sikes [US 5,894,455], Berman [US 5,764,594], and Giani [US 5,686,882] all describe separate alarm devices with no physical connection to a base station. However, they are autonomous only in the sense of requiring no physical connection. All of the devices described are strictly dependent upon the base station for the timing function (as well as for setting the alarm time). The wearable component of the alarm responds to explicit signals from the base station at the time that the alarm signal is to be generated. It is incapable of operating should the base station lose power after the alarm is set.

Grooms [US 4,821,247] and Igarashi [US 4,456,387] describe fully autonomous wearable alarms, which are completely independent of a base station. However, this approach has a number of significant limitations, as outlined in the subject specification.

The Examiner has also cited Clayton [US 4,777,474] which provides a fascinating combination of both of these ideas, providing an autonomous alarm including both setting and timing devices, which is also able to respond to an alarm signal from a separate base station. However, use of the base station for setting the independent timing mechanism in the earpiece is not discussed.

Grooms and Clayton furthermore give evidence that the consequences of separating the alarm setting and timing functions are not obvious. Both of these inventions step beyond the technology restrictions driving the prior art by including the timing function in the worn component. But, they do not retain the base station as a setting device, further suggesting that the benefits of doing so had not been recognized.

Therefore, it is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

A co-worker told me that the USPTO PR would be interested in this additional background: this invention is the product of my older daughter (Joanna's) 4th grade honors class invention convention project. The fundamental idea of claim 5 is entirely her's (and I was indeed surprised to discover that she had developed a significant step beyond the prior art given, as you have seen, the rather cluttered field). It would be our pleasure to speak with anyone from the Patent Office who is interested, including, of course, yourself.

Conclusion

For the above reasons, applicants submit that all claims are in proper form and define patentability over prior art. Therefore they submit that this application is now in condition for allowance, and respectfully request such action.

Conditional Request For Constructive Assistance

Applicants have addressed the issues stated in the referenced office action. If, for any reason, this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of The Examiner pursuant to M.P.E.P 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without need for further proceedings.

Remaining at your service,


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